HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 1096(S/S)2005

Santosh Kumar S/o Mitarpal Singh,
Head Teacher,
Primary School, Tyona (Bhimtal),
Nainital. .....Petitioner.

Vs.

1. Joint Director of Education, Nainital,
2. Basic Shiksha Adhikari, Udham Singh Nagar,
3. Basic Shiksha Adhikari, Nainital. ....Respondents.

Sri S.S. Yadav, learned counsel for the petitioners.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioners and learned Standing Counsel for the State.

By means of this petition, the petitioner, who is Head Teachers in Primary School, Tyona, Bhimtal in the district Nainital, has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar according to his option.

Contention of the petitioner is that the petitioner was appointed as Assistant Teacher in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioner was teaching in district Nainital, therefore, option was invited from the petitioner and he has opted for district Udham Singh Nagar. The employees who have opted for Udham Singh Nagar, have already been relieved. The petitioner has made representation several times before the authority concerned to relieve him for the district he has opted. Till date, the respondents have not taken any decision on the representation and he is not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I district the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioner within a period of four weeks from the date receipt of a certified copy of this order. The petitioner is directed to place the copy of this order alongwith his representation before the Joint Director of Education Basic Kumaon Region, Nainital/In-charge Regional Basic Schools within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 3, 2005:
NCM: